

**REPORT - PLANNING COMMISSION MEETING
February 27, 2003**

Project Name and Number: Tentative Parcel Map 7951 (PLN2002-00312)

Applicant: Joanne Weith

Proposal: To consider Tentative Parcel Map to create three lots where two exist on property located at 3535 and 3519 Ferry Lane.

Recommended Action: Approve, based on findings and subject to conditions

Location: Northern Plain Planning Area

Assessor Parcel Number: 543 0420021 & 543 0420022

Area: Gross Area: 37, 146 SF; Proposed – Parcel 1 - 15, 162 SF; Parcel 2 – 15,258 SF; Parcel 3 – 6,726 SF

Owner: Gera Jessee

Consultant: Chuck Ludwig, Fremont Engineers

Environmental Review: Categorical exemption per Section 15315 of the CEQA Guidelines, Minor Land Divisions.

Existing General Plan: Low Density Residential, 5-7 dwelling units per acre.

Existing Zoning: Single family residential, R-1-6.

Existing Land Use: Two single family homes

Public Hearing Notice: Public hearing notification is applicable. A total of 46 notices were mailed to owners and occupants of property within 300 feet of the site on the following streets: Jensen Road, Wells Avenue, Warwick Road, Ferry Lane, and Johnson Court. The notices to owners and occupants were mailed on February 14, 2003. A Public Hearing Notice was delivered to The Argus on February 12, 2003 to be published by February 22, 2003.

Project Description: The proposed project is for the subdivision of two lots, one a 16,399 SF lot containing an existing single family home and the other a 20,747 SF lot containing another single family home into 3 new parcels. The lot area for Parcel 1, which contains an existing residence, will be 15,162 SF. Parcel 2, which contains the second single family residence will be 15,258 SF. Parcel 3 is vacant and is proposed at 6,726 square feet.

Project Analysis:

- **General Plan Conformance:** The existing General Plan land use designation for the project site is Low Density Residential, 5-7 units per acre. The proposed project is consistent with the existing General Plan land use designation for the project site because the subdivision would result in an increased development density from 2.35 dwelling units per acre to 3.52 dwelling units per acre.
- **Zoning Regulations:** The site is zoned Single Family Residential (R-1- 6). The proposed lot dimensions and lot sizes of the subject property (6,726 square feet) and the remaining portions of the original parcels (15,162 square feet and 15,258 square feet) conform to the zoning district requirements. The lot sizes of the proposed parcels containing the existing single family residences (Parcels 1 and 2) and the lot size of the new parcel (Parcel 3) are compatible with the lot sizes of adjacent properties on Ferry Lane, which range from a 6,500 square foot lot

located to the immediate west to a 12,257 square foot lot located further down the street. No development of Parcel 3 is proposed at this time.

- **Circulation/Access Analysis:** Access to the site is from Ferry Lane (presently a 52 foot right of way). Ferry Lane is a minor residential cul-de-sac and serves as access to 23 existing lots. No further street improvements are required except the installation of new driveways for Parcels 1 and 2. Installation of these improvements on Parcels 1 and 2 are required to be installed prior to approval of final map. There is an existing driveway approach for Parcel 3.

Currently a shared gravel driveway crosses the proposed Parcel 3 and serves the two existing residences. The applicant has included a tentative parcel map (Exhibit "C"), which proposes a shared driveway configuration between Parcel 1 and 2 where the existing single-family residences exist. The current owners, who are related, would prefer that the new driveways maintain that configuration. It would be inconsistent for staff to make a special exception to allow a shared driveway configuration since there is no hardship presented in this case and the surrounding parcels have separate driveways. Moreover, there is a possibility for future homeowners to be confronted with difficulties of using a shared driveway. In particular, disputes pertaining to frequency of use, parking, and maintenance may arise. Therefore, staff recommends the approval of a separate driveway configuration as shown in Exhibit "A".

- **Utility Services:** The sewer and water lateral and the existing gas, telephone, and cable TV lines serving the existing residence on Parcel 2 are located in front of the proposed Parcel 3. Existing gas, telephone, cable TV, water and sanitary sewer on Parcel 3 serving Parcel 2 are to be relocated onto Parcel 2 prior to approval of Final Parcel Map 7951. Utility service connections, including electrical and communications, for Parcel 1, 2 are exempt from the City of Fremont Underground Utility Ordinance. Future development on Parcel 3 will require that utility service connections, including electrical and communications shall be installed underground.

Development Impact Fees: This project will be subject to Citywide Development Impact Fees for Parcel 3 only. These fees may include fees for fire protection, park land dedication-in-lieu, park facilities, capital facilities and traffic impact. These fees shall be calculated at the fee rates in effect at the time of building permit issuance for Parcel 3.

Environmental Analysis: This project is categorically exempt from CEQA per Section 15315 of the CEQA Guidelines. This section allows exemptions for Minor Land Divisions.

Response from Agencies and Organizations: No responses have been received.

Enclosures: Exhibit "A" (Tentative Parcel Map 7951 – labeled Option "B" – separate driveway)
Exhibit "B" (Findings and Conditions of Approval for TPM 7951 – Option "B")
Exhibit "C" (Tentative Parcel Map 7951 – labeled Option "A" – shared driveways)
Exhibit "D" (Findings and Conditions of Approval for TPM 7951 – Option "A")
Informational item 1 – Buildable Area Analysis
Informational item 2 – Easement Location Map with Driveway Configuration "A"
Informational item 3 – Easement Location Map with Driveway Configuration "B"

Exhibits: Exhibit "A" (Tentative Parcel Map 7951 – Option "B")
Exhibit "C" (Tentative Parcel Map 7951 – Option "A")

Recommended Actions:

1. Hold public hearing.
2. Find the proposed project to be categorically exempt from environmental review per Section 15315 of the CEQA Guidelines.

3. Find PLN 2002-00312 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan as enumerated within the staff report.
4. Approve Tentative Parcel Map 7951, as shown on Exhibit "A", subject to findings and conditions on Exhibit "B" (with individual driveway option)

OR

Approve Tentative Parcel Map 7951, as shown on Exhibit "C", subject to findings and conditions on Exhibit "D" (with shared driveway option)

EXHIBIT "B"
Findings and Conditions of Approval for
PLN2002-00312 TENTATIVE PARCEL MAP 7951 (TPM-7951)

FINDINGS

The findings below are made on the basis of information contained in the staff report to the Planning Commission dated February 27, 2003, incorporated hereby.

1. The proposed map satisfies the requirements and conditions imposed by the Subdivision Map Act and the City of Fremont Subdivision Ordinance because the procedural requirements of the Map Act are being followed and the proposed lots conform to the standards set forth in the Subdivision Ordinance.
2. The proposed subdivision, together with the provisions of its design and improvement, is consistent with the General Plan and any applicable specific plans since the proposed lot configuration is in conformance with the **Low Density Residential (5-7 units per acre)** requirements of the General Plan.
3. The site is physically suitable for the type and proposed density of the development since the proposed lot configuration is in conformance with the **Single Family Residential (R-1-6)** requirements of the Zoning Ordinance.
4. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the project will be an infill project within an existing single-family neighborhood.
5. The design of the subdivision and the type of improvements are not likely to cause serious public health problems since the review process of the subdivision has taken those concerns into consideration and has found the proposal in conformance with the City of Fremont's policies.
6. The design of the subdivision and the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision because they have been abandoned as unnecessary. Acquisition of any new easements is required prior to final parcel map approval.

CONDITIONS:

1. Conformance with Exhibit "A", attached hereto and made a part hereof.
2. This Tentative Parcel Map (TPM) is being conditionally approved based on the accuracy of the information shown on Exhibit "A" and submitted with the TPM application. If any of the information is shown to be inaccurate subsequent to approval of the TPM by the City, such inaccuracy may be cause for invalidating this approval.
3. Only one final Parcel Map is allowed to accomplish the lot splits proposed by this tentative parcel map.
4. Site grading and drainage is subject to the approval of the Development Organization Engineer at the time of building permit issuance. Site grading must not obstruct natural flow from abutting properties or divert drainage from it's natural watershed. The drainage area map developed for the drainage design for this project shall be based on the original drainage area map developed for the existing storm drain system and shall clearly indicate all areas tributary to the project site.

5. Pursuant to FMC Section 8-1523, the record owner(s) are to dedicate the required public utility easements as shown on the Exhibit "A". Any additional easements required by the various public utilities and public agencies shall be dedicated prior to final parcel map approval.
6. Pursuant to FMC Section 6-3104.5(h), this project is partially exempt from the requirements of the City of Fremont Underground Ordinance except for Parcel 3. Future development of Parcel 3 will require utility service connections, including electrical and communications, to be installed underground. All existing overhead utility lines serving Parcel 3 shall be undergrounded by the developer in conformance with the City's Underground Ordinance.
7. The subdivider is required to install city standard driveways to Parcels 1 and 2. Installation the driveways shall conform to Exhibit "A" and is subject to Development Organization plan review and approval.
8. The subdivider is required to provide a paved driveway surface to the existing residential structures on Parcels 1 and 2 in conformance with Section 8-22009 (c) of the Zoning Ordinance. All onsite trees shall be protected in conformance with the City of Fremont Tree Preservation Ordinance. On site work shall conform to Exhibit A and is subject to Development Organization plan review and approval. Subdivider is required to complete said improvements prior to approval of the final parcel map.
9. The subdivider is required to relocate all existing underground utilities to Parcel 2 across Parcel 3 prior to approval of the final parcel map. Utility relocation work shall conform to Exhibit "A" and is subject to Development Organization plan review and approval.
10. Review of the tentative map by the Fire Department relative to local and State Fire Code is based on the material submitted. Therefore, if the map is revised prior to final submittal, the Fire Marshal should be contacted so that any changes may be properly reviewed and evaluated. The on-site and/or off-site fire hydrants were required, as per tentative parcel map annotations, in accordance with Fremont Fire Code Article No. 13.
11. Removal of existing trees over four inches in diameter, excluding nut-bearing and fruit-bearing trees except for olive trees and walnut trees, shall be subject to the approval of the Senior Landscape Architect for the City. The precise location of such existing trees shall be shown on the site plan and/or landscape plan at the time of building permit application.
12. The subdivider is required to provide a cash payment to the City of Fremont for microfilming the recorded parcel map. The subdivider is also required by ordinance to provide the City with a mylar copy of the recorded parcel map subsequent to its recordation.
13. Provide a letter from Alameda County Water District giving the location and sealing specifications for all water wells within the subdivision boundary. If there are no wells, a letter so stating must be provided.
14. Any development on this site will be subject to City wide Development Impact Fees. These fees may include fees for fire protection, capital facilities, park land dedication-in-lieu, park facilities, and traffic impact. The fees shall be calculated at the rate in effect at the time of building permit issuance. The fees will be collected prior to building permit approval.
15. In accordance with Section 66474.9(b) of the Subdivision Map Act, the subdivider shall indemnify and hold harmless the City of Fremont or its agents, officers, or employees from any claim, action, or proceeding against the City of Fremont or its agents, officers, or employees to attack, set aside, void, or annul an approval of the City of Fremont, advisory agency appeal board, or legislative body concerning a subdivision, which action is brought within the time period provided for in Section 66499.37.

The City of Fremont shall promptly notify the subdivider of any claim, action, or proceeding to attack, set aside, void or annul its approval and shall cooperate fully in the defense.

SUBDIVIDER PLEASE NOTE :

The fees, dedications, reservations and/or other exactions imposed on this project are those listed in the foregoing conditions of this tentative parcel map approval. Any fee, dedication, reservation or other exaction shall be only those in effect on the date of this tentative parcel map approval (02/27/03). The subdivider is hereby notified that the 90-day period in which the subdivider may protest these fees, dedications, reservations and other exactions pursuant to Government Code Section 66020(a) begins on the date of approval of this tentative parcel map. If the subdivider fails to file a protest within this 90-day period complying with all the requirements of Government Code Section 66020, the subdivider will be legally barred from later challenging such actions.

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EXHIBIT "D"
Findings and Conditions of Approval for
PLN2002-00312 TENTATIVE PARCEL MAP 7951 (TPM-7951)

FINDINGS

The findings below are made on the basis of information contained in the staff report to the Planning Commission dated February 27, 2003, incorporated hereby.

1. The proposed map satisfies the requirements and conditions imposed by the Subdivision Map Act and the City of Fremont Subdivision Ordinance because the procedural requirements of the Map Act are being followed and the proposed lots conform to the standards set forth in the Subdivision Ordinance.
2. The proposed subdivision, together with the provisions of its design and improvement, is consistent with the General Plan and any applicable specific plans since the proposed lot configuration is in conformance with the **Low Density Residential (5-7 units per acre)** requirements of the General Plan.
3. The site is physically suitable for the type and proposed density of the development since the proposed lot configuration is in conformance with the **Single Family Residential (R-1-6)** requirements of the Zoning Ordinance.
4. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the project will be an infill project within an existing single-family neighborhood.
5. The design of the subdivision and the type of improvements are not likely to cause serious public health problems since the review process of the subdivision has taken those concerns into consideration and has found the proposal in conformance with the City of Fremont's policies.
6. The design of the subdivision and the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision because they have been abandoned as unnecessary. Acquisition of any new easements is required prior to final parcel map approval.

CONDITIONS:

1. Conformance with Exhibit "C", attached hereto and made a part hereof.
2. This Tentative Parcel Map (TPM) is being conditionally approved based on the accuracy of the information shown on Exhibit "C" and submitted with the TPM application. If any of the information is shown to be inaccurate subsequent to approval of the TPM by the City, such inaccuracy may be cause for invalidating this approval.
3. Only one final Parcel Map is allowed to accomplish the lot splits proposed by this tentative parcel map.
4. Site grading and drainage is subject to the approval of the Development Organization Engineer at the time of building permit issuance. Site grading must not obstruct natural flow from abutting properties or divert drainage from it's natural watershed. The drainage area map developed for the drainage design for this project shall be based on the original drainage area map developed for the existing storm drain system and shall clearly indicate all areas tributary to the project site.

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8. If the on-site circulation system is to allow common a driveway use for Parcels 1 and 2, a Joint Access Easement is required across Parcel 2 for the benefit of Parcel 1.
9. The subdivider is required to install a city standard driveway to Parcel 2 for the benefit of Parcels 1 and 2 prior to approval of the final map. Installation the driveway work shall conform to Exhibit "C" and is subject to Development Organization plan review and approval.
10. The subdivider is required to relocate all existing underground utilities to Parcel 2 across Parcel 3 prior to approval of the final parcel map. Utility relocation work shall conform to Exhibit "C" and is subject to Development Organization plan review and approval.
11. Review of the tentative map by the Fire Department relative to local and State Fire Code is based on the material submitted. Therefore, if the map is revised prior to final submittal, the Fire Marshal should be contacted so that any changes may be properly reviewed and evaluated. The on-site and/or off-site fire hydrants were required, as per tentative parcel map annotations, in accordance with Fremont Fire Code Article No. 13.
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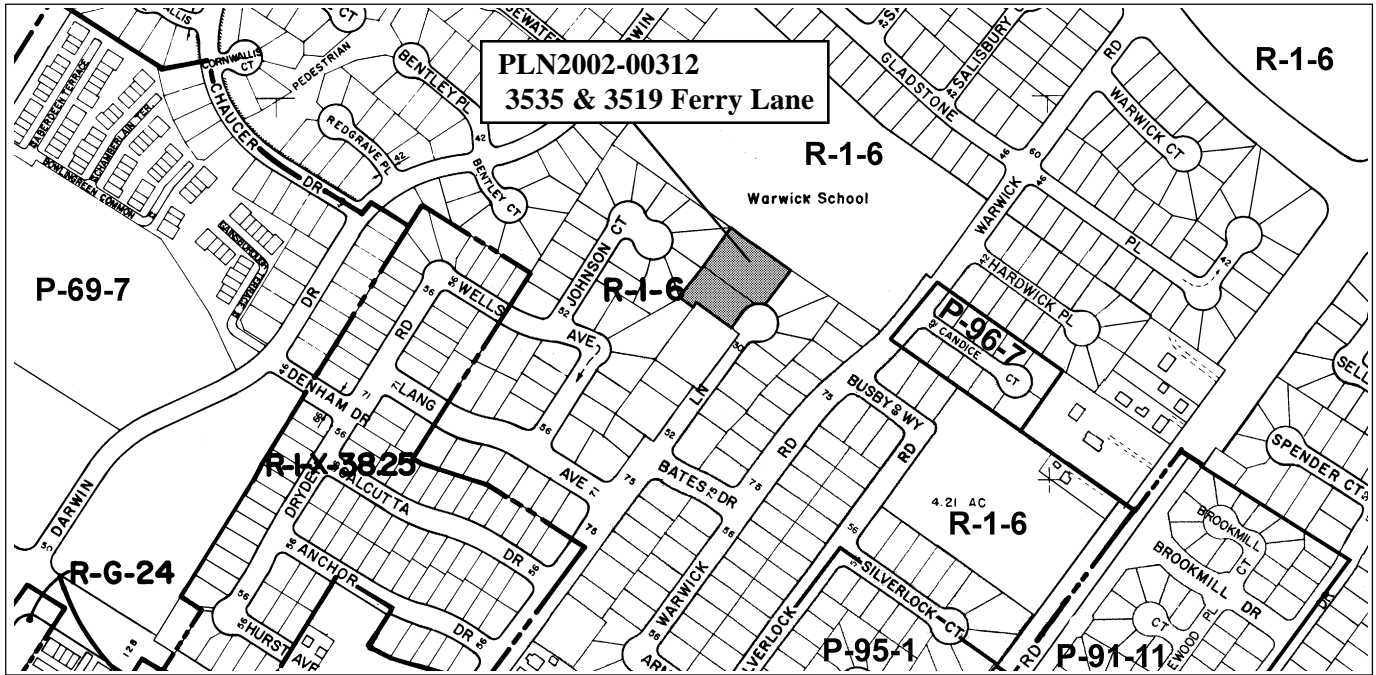
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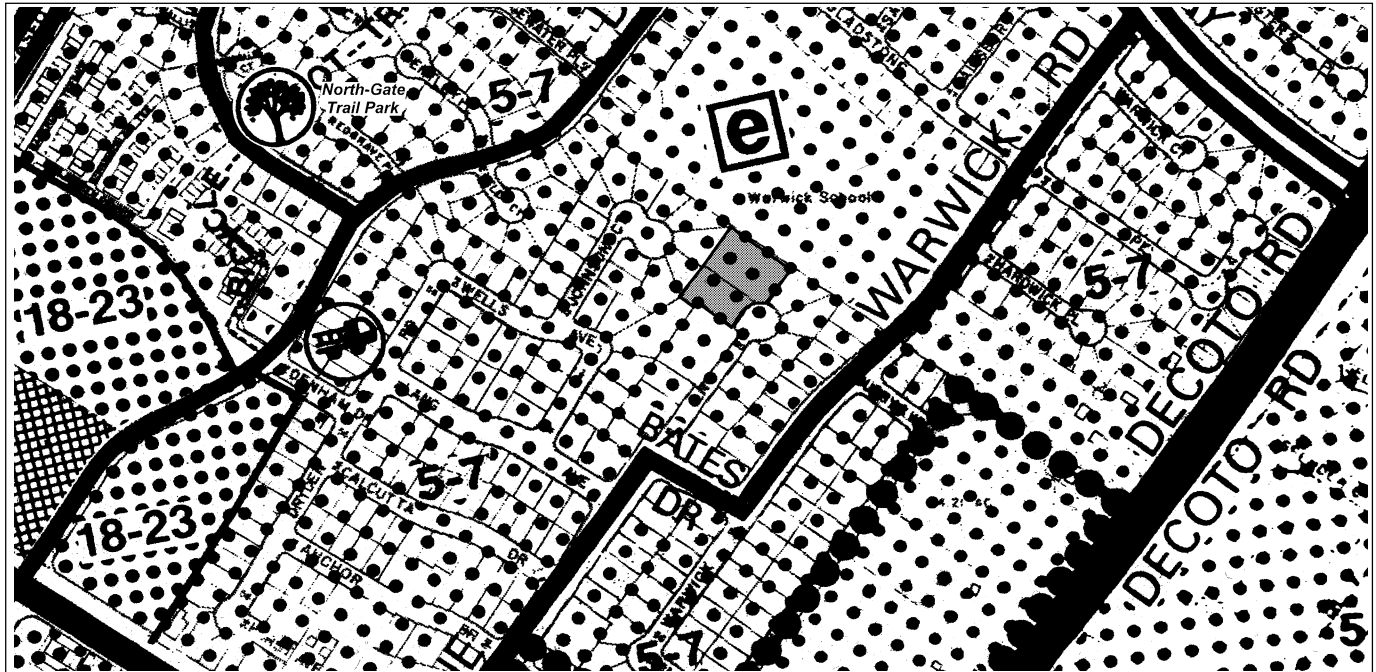
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INFORMATIONAL



Existing Zoning



Existing General Plan

Project Number: PLN2002-00312 (TPM)
Project Name: Parcel Map 7951
Project Description: To consider a Tentative Parcel Map to create three lots where two exist at 3535 and 3519 Ferry Lane in the Northern Plain Planning Area.

Note: Prior arrangements for access are not required for this site.

